

**AGENDA MEMO**

**CITY COUNCIL MEETING OF: DECEMBER 2, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAC-36135 - APPLICANT: BLUE MARBLE DEVELOPMENT -  
OWNER: SHIRON DEVELOPMENT, LLC**

---

**\*\* CONDITIONS \*\***

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to conditions.

1. The limits of this Petition of Vacation shall be the drainage and sewer easements generally located South of the Darling Road alignment between John Herbert Boulevard and Tenaya Way granted by document #20071218:03623 also known as the "Final Map of Paxton Walk (AKA Blue Marble Villages) Unit 1."
2. Prior to or concurrent with the recordation of the Order of Vacation, a Reversionary Map or other mapping mechanism such as FMP-36246 shall be recorded to eliminate existing legal parcels that would otherwise leave separate parcels without access to a public sewer easement by this Petition of Vacation.
3. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
4. All development shall be in conformance with code requirements and design standards of all City Departments.
5. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request to Vacate an existing 20-foot wide drainage easement and public sewer easement generally located on the south side of Darling Road, 600 feet west of Tenaya Way. Since the drainage and public sewer easements are no longer being utilized in their intended form, staff recommends approval of this request.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
02/22/99	The City Council approved an Annexation [A-18-98(A)] to annex property generally located north of Centennial Parkway between Buffalo Drive and Tenaya Way, containing approximately 45 acres of land. The Planning Commission and staff recommended approval. The effective date of the annexation was 03/05/99.
12/01/99	The City Council approved a General Plan Amendment (GPA-0041-99) to amend a portion of the Northwest Sector Plan on property located on the north side of Centennial Parkway between Buffalo Drive and Tenaya Way, from R (Rural Density Residential (Town Center Expansion Area), to TC (Town Center); and an amendment to a portion of the Town Center Land Use Plan to allow SX-TC (Suburban Mixed Use) development, Size: 39.00 Acres. The Planning Commission and staff recommended denial.
09/02/02	The City Council approved a Rezoning (Z-0043-00) from U (Undeveloped) Zone [TC (Town Center) General Plan Designation] to T-C (Town Center) of 9.50 acres on the northwest corner of Centennial Parkway and Tenaya Way. The Planning Commission and staff recommended approval.
12/18/02	The City Council approved an Extension of Time (EOT-1124) of an approved Tentative Map (TM-0034-00) for a one-lot commercial subdivision on the northwest corner of the intersection of Centennial Parkway and Tenaya Way.
08/06/03	The City Council approved an Annexation (ANX-2256) to Annex property generally located on the northwest corner of Monte Cristo Way and Centennial Parkway containing approximately 0.94 acres. The Planning Commission and staff recommended approval. The effective date of the annexation was 08/15/03.

08/20/03	The City Council approved a General Plan Amendment (GPA-2549) to amend Map 3 of the Centennial Hills Sector Plan from R (Rural Density Residential) to TC (Town Center) on 0.94 acres adjacent to the northwest corner of Monte Cristo Way and West Centennial Parkway; a Rezoning (ZON-2548) from U (Undeveloped) [R (Rural Density Residential) General Plan Designation] to T-C (Town Center); and a Vacation (VAC-2552) to Vacate a portion of Monte Cristo Way generally located between Darling Road and Centennial Parkway. The Planning Commission and staff recommended approval of these items.
07/28/04	The Planning and Development Department approved a request for an Extension of Time (EOT-4561) for an approved Vacation (VAC-2552) to Vacate Monte Cristo Way between Darling Road and Centennial Parkway.
07/28/05	The Planning and Development Department approved a request for an Extension of Time (EOT-7244) for an approved Vacation (VAC-2552) to Vacate Monte Cristo Way between Darling Road and Centennial Parkway.
09/07/05	The City Council approved a General Plan Amendment (GPA-7322) to modify Map No. 2 ("Off-Street Multi-Use Transportation Trail Alignments") and Map No. 6 ("Town Center Multi-Use Trail Alignments") of the Transportation Trails Element of the Las Vegas 2020 Master Plan to alter the alignment of a proposed multi-use transportation trail from adjacent to the east side of Pioneer Way and the south side of Darling Road to the north side of Centennial Parkway and the east side of John Herbert Boulevard. Planning Commission and staff recommended approval.
10/19/05	The City Council approved a petition to Vacate (VAC-8650) Pioneer Way between Darling Road and Centennial Parkway, generally located adjacent to the north side of Centennial Parkway, approximately 715 feet east of John Herbert Boulevard. The Planning Commission recommended approval of the request.

<p>01/18/06</p>	<p>The City Council approved General Plan Amendment (GPA-9146) to amend section 3.4.3(B) of the Centennial Hills Sector Plan to allow up to four-story buildings within the SX-TC (Suburban Mixed Use-Town Center) Land Use Designation subject to certain conditions; Major Modification (MOD-9918) of section A.3.D of the Town Center Development Standards Manual to allow a building height of four stories where two stories is the maximum height allowed under certain conditions; Rezoning (ZON-9908) from U (Undeveloped) Zone [TC (Town Center) General Plan Designation] to T-C (Town Center) on 20.12 acres; Special Use Permit (SUP-9921) for a mixed use development; Vacation (VAC-9923) to Vacate a portion of a 60-foot public right of way generally located on Darling Road between John Herbert Boulevard and Tenaya Way; Vacation (VAC-9922), a petition to vacate a portion of the north half of Centennial Parkway extending west approximately 1,605 feet and a portion of the east half of John Herbert Boulevard north of the Centennial Parkway alignment; Waiver (WVR-10082) to Title 18.12.130 to allow 230-foot long private streets where 150 feet is required; Title 18.12.105 to allow an 18-foot private drive where 24 feet is required; Title 18.12.100 to allow a 24-foot private street where 37 feet is required; and Title 18.12.160 to allow a 180-foot offset where 220 feet is required on property located adjacent to the northwest corner of Monte Cristo Way and Centennial Parkway; and Site Development Plan Review (SDR-9913) for a proposed four-story, mixed-use development with 725 condominium units; 65 townhomes; 35,700 square feet of commercial space; 58,000 square feet of office space; and 15,000 square feet of restaurant space with Waivers of the Town Center Development Standards for building placement and perimeter, parking lot foundation landscaping requirements on the north side of Centennial Hills Parkway between Tenaya Way and John Herbert Boulevard adjacent to the northwest corner of Monte Cristo Way and Centennial Parkway. Staff recommended approval for all related items. The Planning Commission did not have a super majority vote for GPA-9146 and forwarded the item to City Council with a recommendation of denial, and voted for a recommendation of denial for VAC-9923. The Planning Commission recommended approval for all other related cases.</p>
<p>02/09/06</p>	<p>The Planning Commission approved a Tentative Map (TMP-10725) for a Mixed-Use Development consisting of 725 condominium units, 65 town home units, and 1 commercial unit on 35.30 acres at the northwest corner of Centennial Parkway and Tenaya Way. Staff recommended approval.</p>
<p>07/25/06</p>	<p>A Final Map (FMP-15414) was submitted for technical review for “Paxton Walk (aka Blue Marble Villages)”. This map consisted of 65 residential lots and three common element lots. This map was not recorded as there were outstanding issues regarding an incomplete survey.</p>
<p>09/18/06</p>	<p>The Planning and Development Department approved a request for an Extension of Time (EOT-15955) for an approved Vacation (VAC-2552) to Vacate Monte Cristo Way between Darling Road and Centennial Parkway.</p>

01/23/07	The Planning and Development Department approved a request for an Extension of Time (EOT-18688) for an approved Vacation (VAC-8650) that vacated Pioneer Way between Darling Road and Centennial Parkway, generally located adjacent to the north side of Centennial Parkway, approximately 715 feet east of John Herbert Boulevard.
02/23/07	The Planning and Development Department approved a request for an Extension of Time (EOT-19143) for an approved Vacation (VAC-9922) a petition to vacate a portion of the north half of Centennial Parkway extending west approximately 1,605 feet and a portion of the east half of John Herbert Boulevard north of the Centennial Parkway alignment.
	The Planning and Development Department approved a request for an Extension of Time (EOT-19144) for an approved Vacation (VAC-9923) to Vacate a portion of a 60-foot public right of way generally located on Darling Road between John Herbert Boulevard and Tenaya Way.
0917/07	The Planning and Development Department approved a request for an Extension of Time (EOT-24020) for an approved Vacation (VAC-2552) to Vacate a portion of Monte Cristo Way between Darling Road and Centennial Parkway.
11/08/07	The Planning and Development Department approved a request for an Extension of Time (EOT-24591) for an approved Vacation (VAC-8650) that vacated Pioneer Way between Darling Road and Centennial Parkway, generally located adjacent to the north side of Centennial Parkway, approximately 715 feet east of John Herbert Boulevard.
12/18/07	A Final Map (FMP-21718) was recorded for "Paxton Walk (aka Blue Marble Villages) Unit I". This map consisted of 22 townhome units and one common element lots on property located at the northwest corner of Centennial Parkway and Tenaya Way.

06/18/08	The City Council approved a request for an Extension of Time (EOT-28064) for an approved Special Use Permit (SUP-9921) for a four-story mixed-use development adjacent to the northwest corner of Monte Cristo Way and Centennial Parkway; an Extension of Time (EOT-28066) for an approved Waiver (WVR-10082) to Title 18.12.130 to allow 230-foot long private streets where 150 feet is required; Title 18.12.105 to allow an 18-foot private drive where 24 feet is required; Title 18.12.100 to allow a 24-foot private street where 37 feet is required; and Title 18.12.160 to allow a 180-foot offset where 220 feet is required on property located adjacent to the northwest corner of Monte Cristo Way and Centennial Parkway; an Extension of Time (EOT-28067) for an approved Site Development Plan Review (SDR-9913) for a proposed four-story, mixed-use development with 725 condominium units; 65 townhomes; 35,700 square feet of commercial space; 58,000 square feet of office space; and 15,000 square feet of restaurant space with Waivers of the Town Center Development Standards for building placement and perimeter, parking lot foundation landscaping requirements on the north side of Centennial Hills Parkway between Tenaya Way and John Herbert Boulevard adjacent to the northwest corner of Monte Cristo Way and Centennial Parkway. Staff recommended approval these the requests.
11/05/09	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #10/jb).
<b><i>Related Building Permits/Business Licenses</i></b>	
No relevant building permit or licensing history exists pertaining to this request.	
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	
<b><i>Field Check</i></b>	
10/01/09	During a routine site inspection staff observed a well-maintained undeveloped site.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	35.70

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	T-C (Town Center)	T-C (Town Center) [SX-TC (Suburban Mixed Use – Town Center) – Special Land Use Designation]
North	Undeveloped	RNP (Rural Neighborhood Preservation)	R-E (Rural Estates Residential) – Clark County Designation
	Single-Family Residences	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units Per Acre)
South	Right-Of-Way/ (I-215)	Right-Of-Way/ (I-215)	Right-Of-Way/ (I-215)
East	Undeveloped	O (Office)	O (Office)
	Undeveloped	R (Rural Density Residential)	U (Undeveloped) [R (Rural Density Residential) General Plan Designation]
West	Shopping Center	T-C (Town Center)	T-C (Town Center) [SX-TC (Suburban Mixed Use – Town Center) – Special Land Use Designation]

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
T-C Town Center District	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
T-C Town Center District	X		Y
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## **LEGAL DESCRIPTION**

A request has been submitted by Blue Marble Development to Vacate an existing 20-foot wide drainage easement and public sewer easement generally located on the south side of Darling Road, 600 feet west of Tenaya Way.

The above property is legally described as situated in the City of Las Vegas, Clark County, Nevada lying within the south one half of Section 22, Township 19 South, Range 60 East, M.D.M., being a portion of private maintenance common Lot 67 as shown on the official plat of Paxton Walk (AKA Blue Marble Villages) Unit 1, in the Office of the Clark County Recorder in Book 139 of Plats on Page 13.

## **ANALYSIS**

### ***A) Planning discussion***

This is a request to Vacate an existing 20-foot wide drainage easement and public sewer easement generally located on the south side of Darling Road, 600 feet west of Tenaya Way. The applicant has indicated that the Vacation of the easements is necessary to process a Reversionary Map to convert the mapped lots within Book 139 of Plats, Page 13 back to acreage.

### ***B) Public Works discussion***

This Vacation application proposes to vacate existing public drainage and sewer easements. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this Vacation request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved, any other parties' interests will not be affected.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 14

**NOTICES MAILED** 18 by City Clerk

**APPROVALS** 0

**PROTESTS** 0